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6 Attorneys for Defendant and Counter-Claimant
7 THIERRY GUETTA a/k/a MR. BRAINWASH

8
9 UNITED STATES DISTRICT COURT
10
11 CENTRAL DISTRICT OF CALIFORNIA

11 GLEN E. FRIEDMAN,) Case No. CV10-0014 DDP (Jcx)
12 Plaintiff,)
13 vs.)
14 THIERRY GUETTA a/k/a MR.)
15 BRAINWASH, and DOES 1 through)
15, inclusive,)
16 Defendants.)
17 AND RELATED COUNTER-CLAIM.)
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DECLARATION OF JOHN JUENGER IN SUPPORT OF DEFENDANT THIERRY GUETTA'S MOTION TO COMPEL FURTHER RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS AND REQUEST FOR ATTORNEY'S FEES IN THE AMOUNT OF \$2,600.

[DISCOVERY MATTER]

**HON. JACQUELINE CHOOIJIAN,
MAGISTRATE JUDGE**

[Filed concurrently with Notice of Motion; Joint Stipulation; Proposed Order]

DATE: March 1, 2011
TIME: 9:30 a.m.
CTRM: 20, 3rd Floor

Discovery Cut-off: April 8, 2011
Pre-trial Conf: July 25, 2011
Trial: August 16, 2011

DECLARATION OF JOHN JUENGER

2 I, John Juenger, declare:

3 1. I am an attorney at law duly licensed to practice law before this court and am
4 an attorney of record for Defendant Thierry Guetta (“Guetta”). All facts set forth in this
5 declaration are based on my own personal knowledge. I can and will competently attest
6 to each such fact if called as a witness.

7 2. Attached hereto as Exhibit A is a copy of the Scheduling Order in this case.

8 3. During the August 23, 2010 Scheduling Conference, Hon. Dean D. Pregerson
9 asked whether there was any value to the photograph at issue in this action.

10 4. Attached hereto as Exhibit B is a copy of Guetta's First Set of Requests for
11 Admissions and Interrogatories to Plaintiff Glen E. Friedman ("Friedman").

12 5. Attached hereto as Exhibit C is a copy of Friedman's initial Responses to First
13 Set of Requests for Admissions and Interrogatories.

14 6. After I sent a meet and confer letter regarding the initial interrogatory
15 responses, a copy of which is attached hereto as Exhibit D, Friedman served his
16 Supplemental Responses to First Set of Requests for Admissions and Interrogatories, a
17 copy of which is attached hereto as Exhibit E.

18 7. Attached hereto as Exhibit F is a copy of Guetta's First Set of Requests for
19 Production of Documents to Friedman.

20 8. Attached hereto as Exhibit G is a copy of Friedman's initial Responses to
21 Requests for Production of Documents to Friedman.

22 9. Attached hereto as Exhibit H is a copy of my October 6, 2010 meet and
23 confer letter regarding Friedman's Supplemental Responses to Interrogatories and
24 Responses to Requests for Production of Documents.

25 10. On October 21, 2010, I met in person with Friedman's counsel Erica
26 Gonzales and Aren Kavcioglu. During the meeting and as previously indicated in my
27 October 6, 2010 letter, I stated that Guetta was entitled to information regarding
28 Friedman's efforts to market the photograph and issue (the "Photograph"), monies he had

1 received in connection with the Photograph, licensing agreements concerning the
2 Photograph and so on. I indicated that the discovery would not be necessary if Friedman
3 would concede that Guetta's actions with respect to the Photograph had not caused
4 Friedman to suffer any harm. Friedman's counsel indicated that supplemental responses
5 would be provided indicating that other than hypothetical royalty payments he may have
6 received had he licensed the Photograph to Guetta. However, the Second Supplemental
7 Responses to Requests for Admissions and Interrogatories (a copy of which is attached
8 hereto as Exhibit I) and the [Supplemental] Responses to Requests for Production of
9 Documents (a copy of which is attached hereto as Exhibit J) do not contain such
10 responses. These responses were not served until November 22, 2010.

11 11. Attached hereto as Exhibit K is my December 8, 2010 meet and confer letter.
12 It requests that Friedman provide further supplemental responses no later than December
13 13, 2010.

14 12. I prepared a motion to compel after Friedman's counsel failed to respond to
15 a meet and confer letter requesting a response by December 13, 2010. Thereafter, the
16 parties agreed that Guetta would not file the motion to compel as Friedman would stipulate
17 that "he suffered no loss from Defendant's use of the subject photograph other than the
18 loss of a potential royalty payment he would have received had he licensed it to" Guetta.
19 Attached hereto as Exhibit L is a true and correct copy of a January 4, 2011 e-mail string
20 memorializing the agreement. Despite this agreement, Friedman's counsel now refuses
21 to enter such a stipulation and insists that the stipulation instead state that Friedman
22 "waives any claim for actual damages in the instant action."

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1 13. I have already spent four (4) hours preparing the documents for the instant
2 Motion to Compel. My normal hourly rate billed to this client is \$325.00 meaning Guetta
3 has already incurred \$1,300 in connection therewith. I anticipate spending an additional
4 four (4) hours preparing supplemental briefing and attending the hearing, for an additional
5 \$1,300. Accordingly, Friedman and his counsel should be ordered to pay \$2,600 for the
6 reasonable cost incurred in bringing the instant motion.

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct.

10 Executed on February 8, 2011 in the City of Beverly Hills, California.

/s/John Juenger

John Juenger